

[Second Reprint]

ASSEMBLY, No. 3796

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Mosquera, Assemblyman McKeon and Senator Norcross

SYNOPSIS

Provides 180-day window for persons to dispose of certain unlawfully possessed firearms.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 9, 2013, with amendments.



(Sponsorship Updated As Of: 5/14/2013)

1 AN ACT concerning the possession of certain firearms ²[¹, high
2 capacity ammunition magazines, and ammunition¹]².

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Any person who has in his possession a handgun in violation
8 of subsection b. of N.J.S.2C:39-5 ²[¹[or] ¹] or² a rifle or shotgun
9 in violation of subsection c. of N.J.S.2C:39-5 ²[¹, a high capacity
10 ammunition magazine in violation of subsection j. of N.J.S.2C:39-3,
11 or ammunition in violation of subsection f. of N.J.S.2C:39-3¹]² on
12 the effective date of this act may retain possession of that handgun,
13 rifle, ²[¹[or] ¹] or² shotgun ²[¹, magazine, or ammunition¹]² for a
14 period of not more than ²[90] 180² days after the effective date of
15 this act. During that time period, the possessor of that handgun,
16 rifle, ¹[or]¹ ²or² shotgun ²[¹, magazine, or ammunition¹]² shall:

17 (1) transfer that firearm ²[¹, magazine, or ammunition¹]² to any
18 person lawfully entitled to own or possess it; or

19 (2) voluntarily surrender that firearm ²[¹, magazine, or
20 ammunition¹]² pursuant to the provisions of N.J.S.2C:39-12.

21
22 2. a. Except as provided in subsection d. of this section, any
23 person who has in his possession an assault firearm on the effective
24 date of this act may retain possession of that firearm for a period of
25 not more than ²[90] 180² days after the effective date. During that
26 time period, the possessor of the assault firearm shall:

27 (1) transfer the assault firearm to any person lawfully entitled to
28 own or possess such firearm;

29 (2) render the assault firearm inoperable; or

30 (3) voluntarily surrender the assault firearm pursuant to the
31 provisions of N.J.S.2C:39-12.

32 b. If the person who possesses the assault firearm elects to
33 render the firearm inoperable, the person shall file a certification on
34 a form prescribed by the Superintendent of the State Police
35 indicating the date on which the firearm was rendered inoperable.
36 This certification shall be filed with either the chief law
37 enforcement officer of the municipality in which the person resides,
38 or in the case of a person who resides outside this State but stores or
39 possesses an assault firearm in this State, with the Superintendent of
40 the State Police.

41 c. As used in this section, “inoperable” means that the firearm
42 is altered in such a manner that it cannot be immediately fired and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted February 14, 2013.

²Senate SLP committee amendments adopted May 9, 2013.

1 that the person does not possess or have control over the parts
2 necessary to make the firearm operable.

3 d. The provisions of this act shall not be applicable to any
4 assault firearm possessed pursuant to N.J.S.2C:58-5 or registered
5 pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12).
6

7 3. This act shall take effect ²[on the '¹[90th] 181st' day after
8 enactment] immediately² and shall expire on the '¹[180th]
9 ²[271st'] 181st² day after enactment ²[, but the Superintendent of
10 State Police may take such anticipatory administrative action in
11 advance of the effective date as shall be necessary for the
12 implementation of the act ¹, including a public information
13 campaign to inform the general public of the amnesty program
14 offered under the act¹]².